



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Malabarba et al

Atty. Ref.: 3687-210; Confirmation No. 3049

Appl. No. 10/518,802

TC/A.U. 1617

Filed: August 8, 2005

Examiner: Carter

For: USE OF AMIDE DERIVATIVE OF GE 2270 FACTOR A3 FOR THE TREATMENT OF ACNE

\* \* \* \* \*

July 13, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

This is responsive to the Official Action of April 29, 2009. Claims 33, 47 and 48 are pending in the application.

The Action is basically two separate rejections under 35 U.S.C. 102(b) based on 1) Paolo et al. (EP 0494078) and based on 2) Tavecchia et al. (US 5,599,791). The examiner's attention is drawn to the fact that the two cited prior art documents derive exactly from the same priority (i.e. EP application N.91100123 of 03.01.1991) and thus the following comments will be focused on one of them (the European publication) but also apply to the other one, as having been cited as prior art, minor differences in the content of the claims do not make any relevance.

EP 0494078 describes novel amide derivatives of antibiotic GE 2270 compounds and a process for preparing them. In order to better explain how the compounds according to the present invention are different from those described in EP 0494078, see the following two figures, i.e. figure 1 and figure 2.